

REMARKS

Entry of this amendment is respectfully requested.

It is believed that the objection to the drawing and the 35 U.S.C. §112 rejection have been rendered moot by the amendments to the claims.

Claims 35-41, 43 and 44 were rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Bunz in view of Pope and McLean. Claim 32 was rejected 35 U.S.C. §103(a) for allegedly being obvious over the combination of Bunz, Pope, McLean and Teinturier. Claim 45 was rejected for allegedly being obvious over Bunz in view of Pope. Applicants respectfully traverse each of these rejections.

At page 7 of the office action, the Examiner disagrees with Applicants that there is no motivation to provide Bunz with depressions. In support, the Examiner argues that Pope is used as a teaching to show that depressions and corresponding protrusions is practiced in the art, and, furthermore, that the mechanical interlock achieved by Bunz is not necessarily the same as it would be if the depressions were added to the surface of the sliding cup. However the Examiner simply ignores the fact that there is no reason to provide depressions to the Bunz implant. The Examiner is respectfully invited to answer the following question- what evidence is there that Benz's implant needs further mechanical interlock? Bunz already achieves suitable interlock by, *inter alia*, providing sliding cup 1 with a shaped stud 3 which projects into plastic cover 2 to provide mechanical stability.

Thus, one would have to replace stud 3 of Bunz with depressions as claimed to arrive at the presently claimed invention, which would render Bunz inoperable for its intended purpose.

Such a combination of art, which is combined only with the use of hindsight, and, therefore, is impermissible.

Furthermore, claim 35 recites that the prosthesis includes an inner sliding cup that compress a ceramic material, a plastic covering and an outer metal cup. Pope recites problems with all such materials (see, e.g., columns 3-4 of Pope). Bunz provides an inner ceramic sliding cup (1) surrounded by a plastic cover (2) for insertion into an outer metal cup of an artificial hip joint (Abstract). Thus, Pope teaches away from even starting with Bunz, and also teaches away from using the materials of the claims.

Furthermore, Pope teaches at column 41, lines 23-25 and column 43, lines 15-35 topographical features of the ball of the femur, and perhaps to the inner surface of the slidable cup, and not to the outer surface of the slidable cup. Thus, there is no motivation in the references or otherwise to make the Examiner's proposed combination.

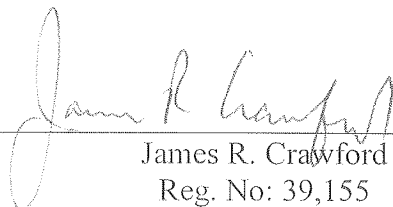
Thus, all rejections should be withdrawn as they are all based on a combination of Bunz and Pope.

In view of the foregoing, allowance is requested.

The Commissioner is hereby authorized to deduct any fee associated with this filing from Deposit Account No. 50-0624.

Respectfully submitted,

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